

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 28

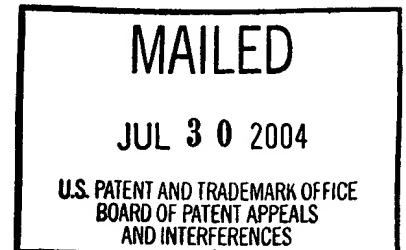
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GREGORY J. BEVERIDGE

Appeal No. 2004-0656
Application No. 09/664,130

ORDER DISMISSING APPEAL



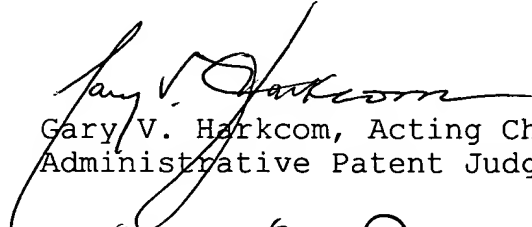

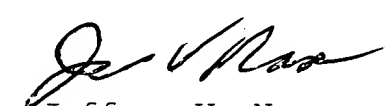
Before HARKCOM, Acting Chief Administrative Patent Judge, WILLIAM F. SMITH and NASE, Administrative Patent Judges.

Per curiam.

On July 7, 2004, counsel for the appellant filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in the application is dismissed.

This application is being returned to the examiner for
further action as may be appropriate.

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Gary V. Harkcom, Acting Chief)	
Administrative Patent Judge)	
)	
)	
William F. Smith)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
Jeffrey V. Nase)	
Administrative Patent Judge)	

GVH/eld

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